

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

BRANDON PRICE,

Plaintiff,

vs.

NO. 2:24-CV-2136-MSN-atc

**MEMPHIS POLICE DEPARTMENT,
POLICE OFFICERS,**

Defendants.

NOTICE OF LIMITED APPEARANCE

Non-Party, the City of Memphis, a municipality organized under the laws of the State of Tennessee (the “City of Memphis”), by and through counsel respectfully submits notice of the limited appearance of Freda M. Turner, as its attorney and counselor of record in this matter. This Notice does not represent a general appearance of this Defendant and all issues related to any of its jurisdictional, procedural, and/or substantive rights, defenses, or contentions are specifically reserved.

Counsel is appearing for the limited purpose of asserting that the plaintiff failed to name the City of Memphis in this suit and subsequently failed to provide proper notice of said lawsuit. On March 1, 2024, Brandon Price (“Plaintiff”), filed a Civil Action against Memphis Police Department and Police Officers. As a division of city government, the Memphis Police Department possesses no legal capacity to be sued. See Cuzick v. Bass, No. 02A01-9809-CV-00244, 1999 Tenn. App. LEXIS 174, at *5 (Tenn. Ct. App. Mar. 18, 1999) (noting that a municipality’s police department is not a legally recognized separate entity, and upholding trial court's determination

that “the [city’s police department] is not a municipality, nor is it an entity separately incorporated by the [city]”); see also Damron v. Pfannes, 785 F. Supp. 644, 646 (E.D. Mich. 1992) (“A municipal police department is not a legal entity separate from its parent city.”); Williams v. Baxter, 536 F. Supp. 13, 16 (E.D. Tenn. 1981) (“Obviously, a city police department is not a municipality.”); Fed.R.Civ.P. 4 (j)(2) and Tenn. R. Civ. P. 4.04 (providing for service “upon a municipality”). Notwithstanding the aforesaid, the Plaintiff failed to include a copy of the complaint with the summons and failed to deliver the summons and complaint to an agent able to accept service in violation of Fed.R.Civ.P. 4 (j) (2). Having not been properly named or served and unwilling to waive proper service, the City of Memphis is not in a position to respond further to Plaintiff’s Complaint.

Respectfully submitted,

Tannera G. Gibson, Esq.
Chief Legal Officer/City Attorney

/s/ Freda M. Turner
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CERTIFICATE OF SERVICE

I, Freda M. Turner, hereby certify that on July 24, 2024, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system in this action.

Further service was made upon the Plaintiff, Brandon Price, via email at price.brandon58@yahoo.com.

/s/ Freda M. Turner
Freda M. Turner